

REMARKS

Claims 1, 3, 6-14, 16-20 and 22-29 are pending in the application.

Interview with the Examiner

The Applicants spoke with Mr. Phan on March 1, 2006 to set up an Examiner Interview. Mr. Phan advised that we file this Response which would be reviewed by the Examiner and the Examiner's supervisor, Mr. Tsang.

Mr. Phan stated that if the arguments presented herein are unpersuasive, the Examiner would call Applicants to discuss the pending claims in view of the cited prior art before issuance of any further correspondence.

Claims 1, 3, 6-14, 16-20 and 22-25 over Tatchell

Claims 1, 3, 6-14, 16-20 and 22-25 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 5,905,774 to Tatchell ("Tatchell"). The Applicants respectfully traverse the rejection.

Claims 1, 3, 6-14, 16-20 and 22-25 recite a method and system to automatically send a notification message based on receipt of at least two telephone calls from a particular caller or a group of callers within a predetermined range of time.

The Examiner cites col. 18, lines 39-56, col. 20, lines 25-36 of Tatchell to allegedly disclose a method and system to activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls within a predetermined range of time (See Office Action, pages 2 and 3).

Applicants made clear during the Interview conducted on October 4, 2005 that Tatchell at col. 20, lines 25-36 simply discloses a call forwarding schedule table. However, Tatchell's call forwarding is NOT conditional on HOW MANY TIMES a particular caller/callers call, much less within a predetermined range of time, i.e., at least two telephone calls from a particular caller or a group of callers within a predetermined range of time, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

The Examiner argues that “it is noted that the claims are broadly amended as a group of callers is interpreted differently than the Caller ID since there is no antecedent basis; Tatchell’s Table 6.0 shows a predetermined range of time that accepts multiple/two calls and notifies, the schedule does not stop after one call, it continues after at least two telephone calls within the predetermined range of time; therefore this interpretation can read on the claims as broadly amended” (See Office Action, page 3).

Tatchell’s Table 6.0, as discussed above, is a call forwarding schedule table having NOTHING to do with monitoring HOW MANY TIMES a caller calls. Tachell’s Table 6.0 simply discloses to what LOCATION phone calls are forwarded to at different times of day. Tatchell discloses at col. 20, lines 39-67 that calls are conditionally forwarded based on if a particular caller is pre-stored in a Caller ID table, i.e., call screening. The Applicants are not disputing that the schedule does not stop after one call and that a predetermined range of time can accept multiple calls, which have NOTHING to do with the claimed features. The Applicants have REPEATEDLY pointed out to the Examiner, Tatchell fails to disclose or suggest conditionally sending a notification message based on HOW MANY TIMES a particular caller or a group of callers call, much less if the particular caller or a group of callers call AT LEAST TWO times within a predetermined range of time, e.g., if a particular caller calls at least twice within a five minute period, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

Moreover, the Examiner ACNKOWLEDGES that Tatchell’s Table 6.0 shows a predetermined range of time that ACCEPTS calls. However, 1, 3, 6-14, 16-20 and 22-25 recite CONDITIONAL SENDING of a notification message, NOT passive RECEPTION of an unlimited number of calls.

Moreover, the Examiner is stating that the claims are being read broadly. However, no matter how broadly the claims are being read does not excuse the fact that claims 1, 3, 6-14, 16-20 and 22-25 require a caller or a group of callers to call AT LEAST TWO times within a predetermined range of time BEFORE a notification message is sent. Tatchell fails to disclose or suggest such a feature.

A benefit of a method and system to automatically activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls from at least one of a particular caller and a group of callers within a predetermined range of time is, e.g., filtering of notification messages based on URGENCY. Typically, if a caller URGENTLY wishes to get in contact with a called party the caller with REPEATEDLY call the called party. By basing an announcement message on a NUMBER of times a caller or a group of callers call, i.e., a plurality, of times a calling party tries to contact a called party, less urgent calls can be left for later response and more URGENT calls can be handled in a more timely manner. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For at least all the above reasons, claims 1, 3, 6-14, 16-20 and 22-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 26-29 over Tatchell in view of Swartz

Claims 26-29 were rejected under 35 USC 103(a) as allegedly being obvious over Tatchell in view of U.S. Pat. No. 6,445,694 to Swartz (“Swartz”). The Applicants respectfully traverse the rejection.

Claims 26-29 recite a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet.

The Examiner acknowledges that Tatchell fails to disclose a notification message being communicated via an Internet (See Office Action, page 9). However, the Examiner relies on Swartz to make up for the deficiencies in Tatchell to arrive at the claimed features.

The Examiner cites Fig. 8 and Fig. 9 of Swartz to disclose a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet (See Office Action, page 9).

Fig. 8 and its accompanying text discloses a web page that gives a user various forwarding options. Fig. 9 and its accompanying text discloses a

web page that allows a user to set up voice mailbox services. However, Swartz only discusses Caller ID information in relation to giving a user the option to block and unblock Caller ID information (See Abstract; Fig. 3; col. 8, lines 25-47). Swartz fails to disclose use of Caller ID information as a basis to control sending of a notification message, much less via an Internet, i.e., a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet, as recited by claims 26-29.

Tatchell modified by the disclose of Swartz would at best result in a system selectively forwarding of telephone calls based on Caller ID information (Tatchell) and forwarding of various messages via an Internet (Swartz). Thus, neither Tatchell nor Swartz disclose a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet, as recited by claims 26-29.

Moreover, the Examiner alleges that the motivation to modify Tatchell to send a notification message via the Internet is that the Internet is a more efficient network for PSTN networks to evolve to (See Office Action, page 9). However, the issue is whether it would be obvious to modify Tatchell, not whether the Internet as a general proposition is an efficient network. Tatchell's invention is directed toward forwarding of calls to another telephone. Tatchell nor Swartz disclose or suggest modifying Tatchell to use anything other than a telephone network, much less an Internet. Thus, the Examiner's alleged modification of Tatchell is at best based on improper hindsight since nothing within the Examiner's cited references discloses modifying Tatchell to use anything other than a telephone network.

For at least all the above reasons, claims 26-29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

MANELLI DENISON & SELTER PLLC

2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336
WHB/df